IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 38 OF 2006

SHRI. D. BHASKAR SHETTY AND ANR ....Petitioners

Versus

SMT. PRISCA J. FERNANDES AND ANR ....Respondents

Mr. Sudesh Usgaonkar, Advocate for the Petitioner.
Mr. C. A. Coutinho, Advocate for the Respondent No.1.
Ms. Winnie Coutinho, Public Prosecutor for the Respondent No.2.

Coram:- N. A. BRITTO, J.

Date:- 17th January, 2007

P.C.:-

Heard the learned Counsel on behalf of the parties.

The learned Counsel Mr. Sudesh Usgaonkar on behalf of the petitioner states that the petitioner withdraws the petition with liberty to file an application with the following prayer before the learned trial Court. The prayer reads thus:-

> "(C) This Hon'ble Court be pleased to direct the Judicial Magistrate First Class at Canacona to send the original cheque No.041006 dated 19/05/1997 drawn on Syndicate Bank for a sum of Rs.11,000,00/-, EXHIBIT 69 on the record of the file of Case No.23/N/97 to the Government Examiner of Handwriting and Specimen Signatures at Central Forensic Science Laboratory, Hyderabad, Andhra Pradesh with the admitted writings and signatures of Petitioner No.2 for the opinion of the handwriting expert

whether the questioned signature on the cheque
is that of Petitioner No.2".

Petition is allowed to be withdrawn with liberty as aforesaid. In case an application is made by the petitioner with the said prayer the learned trial Court is directed to decide the same as expeditiously as possible. It may be stated that the respondents have no objection in the trial Court considering the said prayer to be made by the petitioner on its own merits.

N. A. BRITTO, J.

RD.